IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

Writ Petition Nos.20008, 20166, 20167 and 20231 of 2001

WRIT PETITION NO : 20008 of 2001

Between:
Lok Satta,Dornakal Mandal rep. by its President, Y. Brundadar Rao,
S/o. Sheshaiah, aged 28 years, Occ: Advocate, 4-1-13, Dornakal Village,
R/o. Amalapuram Vilalge, Dornakal Mandal,
Warangal District.

..... PETITIONER

AND

1. Gram Panchayat, Dornakal Village, rep by its Executive Officer, Dornakal Village, 3-2-1, Gram Panchayat Road, Dornakal, Warangal District.

2. Church of South India Trust Association, Diocess of Dornakal, Rep.by its Bishop., Rev Alu Rajarathnam, Church Bishop Building, Dornakal, Warangal District.

3. Udepu Seetheswar Rao,
S/o. Gopal Rao, aged 40 years, Bank Streeet, Dornakal Village, Dornakal Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari quashing the Order of Taluka Legal Services Authority, Mahabubabad, passed in L.S.A. No. 33 of 2001 and direct the respondent no.1 to rectify its wrong in transfer of exchange and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Writ Petition No. 20166 of 2001

Between:

Lok Satta,Dornakal Mandal rep. by its President, Y. Brundadar Rao,
S/o. Sheshaiah, aged 28 years, Occ: Advocate, 4-1-13, Dornakal Village,
R/o. Amalapuram Vilalge, Dornakal Mandal,
Warangal District.

..... PETITIONER

AND

1. Gram Panchayat, Dornakal Village, rep by its Executive Officer, Dornakal Village, 3-2-1, Gram Panchayat Road, Dornakal, Warangal District.

2. Church of South India Trust Association, Diocess of Dornakal, Rep.by its Bishop., Rev Alu Rajarathnam, Church Bishop Building, Dornakal, Warangal District.

3. Smt. Vimala Devi Ladda,
W/o. Javezi Govindanarayana Ladda, age: 44 years, Main Road, Dornakal village, Dornakal Mandal, , Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari quashing the Order of Taluka Legal Services Authority, Mahabubabad, passed in L.S.A. No. 35 of 2001 and direct the respondent no.1 to rectify its wrong in transfer of exchange in between R1 and R2 and consequently stay the implementation of order in L.S.A. No.35 of 2001 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Writ Petition No. 20167 of 2001

Between:
Lok Satta,Dornakal Mandal rep. by its President, Y. Brundadar Rao,
S/o. Sheshaiah, aged 28 years, Occ: Advocate, 4-1-13, Dornakal Village,
R/o. Amalapuram Village, Dornakal Mandal,
Warangal District.

..... PETITIONER

AND

1. Gram Panchayat, Dornakal Village, rep by its Executive Officer, Dornakal Village, 3-2-1, Gram Panchayat Road, Dornakal, Warangal District.

2. Church of South India Trust Association, Diocess of Dornakal, Rep.by its Bishop., Rev Alu Rajarathnam, Church Bishop Building, Dornakal, Warangal District.

3. Rayabarapu Ramesh Babu,
S/o.Hanumaiah, aged 34 years, Bank Street, Dornakal Village, Dornakal Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari quashing the Order of Taluka Legal Services Authority, Mahabubabad, passed in L.S.A. No. 36 of 2001 and direct the respondent no.1 to rectify its wrong in transfer of exchange in between R1 and R2 and consequently stay the implementation of order in L.S.A. No.36 of 2001 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

And

Writ Petition No. 20231 of 2001

Between:

Lok Satta,Dornakal Mandal rep. by its President, Y. Brundadar Rao,
S/o. Sheshaiah, aged 28 years, Occ: Advocate, 4-1-13, Dornakal Village,
R/o. Amalapuram Village, Dornakal Mandal,
Warangal District.

..... PETITIONER

AND

1 Gram Panchayat, Dornakal Village, rep by its Executive Officer, Dornakal Village, 3-2-1, Gram Panchayat Road, Dornakal, Warangal District.

3. Church of South India Trust Association, Diocess of Dornakal, Rep.by its Bishop., Rev Alu Rajarathnam, Church Bishop Building, Dornakal, Warangal District.

4. Rayabarapu Shyamsundar,
S/o. Hanumaiah, aged: 36 years, Main Road, Dornakal village, Dornakal Mandal, , Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari quashing the Order of Taluka Legal Services Authority, Mahabubabad, passed in L.S.A. No. 34 of 2001 and direct the respondent no.1 to rectify its wrong in transfer of exchange in between R1 and R2 and consequently stay the implementation of order in L.S.A. No.34 of 2001 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.T.JITHENDER RAO

Counsel for the Respondent No.1: MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.2: Mr. Palle Nageswara Rao

Counsel for the Respondent No.3: Mr. J. Kanakaiah

The Court made the following Common Order: (per Sri Devinder Gupta, CJ)

W.P. Nos.20008, 20166, 20167 and 20231 of 2001

These four petitions have been filed by Lok Satta, Dornakal Mandal represented by its President. By occupation, the President of Lok Sattha, Dornakal Mandal is an Advocate. Petitioner states that he has no interest in the property in question. By way of public interest, these petitions have been filed impleading the Gram Panchayat, Dornakal as the 1st respondent represented by its Executive Officer, The Church of South India Trust Association, Diocess of Dornakal represented by its Bishop as the 2nd respondent. The 3rd respondent in each of these writ petitions is a private individual.

In the writ petitions, challenge is to the orders passed by the Taluka Legal Services Authority, Mahabubnagar, disposing of the petitions on the basis of compromise and in directing the Executive Officer, Gram Panchayat, Dornakal to accord permission to the petitioners therein for construction on receiving the required challan/payment. Neither Lok Satta nor the Church of

South India Trust Association, Dioceses of Dornakal is a party to the said proceedings.

Petitioner has alleged that in the year 1990, the 2nd respondent association divided 6.00 acres of land into 67 plots at Dornakal Village for the purpose of sale, and, in the lay out, respondent-Gram Panchayat got 6% of the land equivalent to 1749 sq. yards., which was known as “Green Land”. On 24.1.1990, the Gram Panchayat, by its resolution, decided to make use of the land either for park or for construction of a school building since the area was centrally located and convenient for those purposes.

However, six months thereafter respondent No.1 appeared to have changed its mind and passed another resolution exchanging the Green Land with another piece of land measuring 2750 sq. yards. According to the petitioner, many representations have been made to the higher officials of the Panchayat Raj and Revenue Departments complaining about the exchange, but, no action was taken. The people of Dornakal village have constituted a Committee under the name of “Greenland Protection Committee” and agitated against the exchange. But, it is alleged that unfortunately, Commissioner, Panchayat Raj had accorded permission for the said exchange and thereafter construction was completed. The Gram Panchayat carved the land into four plots and sold it to four individuals and when those four individuals sought permission for construction, at that stage, disputes arose between those four individuals and the Gram Panchayat. Thereafter, O.S. Nos.55, 57 and 58 of 1998 were filed by those four individuals against the Gram Panchayat, Dornakal which were subsequently transferred to the Taluka Legal Services Authority, Mahabubabad and the same were numbered as L.S.A. Nos. 33,34,35 and 36 of 2001.

The grievance of the petitioner is that the Gram Panchayat was not impleaded as party to the said proceedings and the Executive Officer was only impleaded as party.

We need not go into all these questions raised in these petitions since the Taluka Legal Services Authority, Mahbubabad having recorded the compromise between the private individuals asked the Executive Officer to

comply with the said compromise by according permission to the private individuals for construction after receiving the required challans or payment. The Taluka Legal Services Authority also put a note that if the Executive Officer stands on his compromise, the parties had to withdraw the suits as they were no longer necessary. In any case, settlement was arrived at between the private individuals on the one hand and the Executive Officer on the other. In case, such compromise entered into by the Executive Officer was erroneous and is not in accordance with the A.P. Panchyat Raj Act, 1994 and the Rules made thereunder, there are various authorities constituted under the Act to take care of the same and to take action against the Executive Officer and, in case, it was even complained to the Gram Panchayat, there was no impediment to the Gram Panchayat taking action against the Executive Officer. But, such orders passed by the Taluka Legal Services Authority recoding compromise in exercise of its jurisdiction under the Legal Services Authorities Act, 1987 cannot be permitted to be questioned by a party under Article 226 in the garb of Public Interest Litigations, since the allegations levelled in the petitions appear to be privately interested petitions.

The writ petitions are accordingly dismissed. No costs.

DEVINDER GUPTA, CJ

Date: 20th September, 2004

B. SESHASAYANA REDDY,J

Pnb

To

1. The Executive Officer, Gram Panchayat, Dornakal Village, rep by its Executive Officer,,Dornakal Village, 3-2-1, Gram Panchayat Road, Dornakal, Warangal District.
2. Two C.D. copies